given to the President. Of course, in a non-contentious matter like this, there is likely to be no objection to this mode of dealing with it.

President.—"Shall" is obligatory.

The President then read the numbers and headings of the sections of the Bill. There was no opposition.

Mr. K. ACHYUTA MENON.

I beg to move that the Cochin Cinematograph Bill be taken up and passed at the meeting of Friday, the 11th of December 1925.

Mr. T. K. KRISHNA MENON.

Sir, I second it.

President.—Is there any amendment?

Mr. K. ACHYUTA MENON.

No, Sir.

The motion was put to votes and carried.

President.—The next item is the resolution standing in the name of Mr. C. Achyuta Menon.

Order of Resolutions to be discussed.

Mr. A. B. SALEM.

Sir, I rise to a point of order. This resolution cannot be taken, as it violates the rules. According to the rules, all resolutions have to be ballotted, and may come up before the House only in the order of the ballot and not otherwise. I understand that this resolution does not come up as the first resolution in the order of the ballot. This was the fourth resolution that was ballotted, and it shall come only as the fourth and not as the first. I do not know under what rules the Secretary was pleased to state that this resolution comes on the first day, and there is no provision in the Rules, nor in the Regulation, nor in the Standing Orders, to change the order of the ballot. It is not in the discretion of the President to change the ballot order. This rule is part and parcel of the Council Regulation, and are not the rules passed for this Council binding on the President and members and all others alike? There is no power anywhere by which you, Sir, could plead an excuse that there was no time to take up the resolution, as the materials necessary for the discussion have not been got ready by the Government. There is no such excuse possible under the Regulation and under the Rules. It is incumbent on the President to take up the reso-

LIBRARY ARCHIVES Kerala Legislative Assembly

lution in the order of the ballot, because the members will be sending in any number of resolutions, and they will be left to chance to come up. Once precedence has been obtained for a resolution, there is no right to take away that, and upon this point I protest that this resolution cannot be taken up now.

President.—Please read the relevent section or the rule.

Mr. A. B. SALEM.

"A member who wishes to move a resolution shall give notice in writing to the Secretary at least 15 clear days before the meeting of the Council at which he desires to move the same, and shall, together with the notice, submit a copy of the resolution which he wishes to move :—

"Provided that the President may allow any resolution to be moved with shorter notice than 15 days, and may, in any case, require longer notice."

That is when the resolution is submitted. It is then time (before the ballot) for the President after consulting the Diwan to say: "I cannot give permission to move it without longer notice", and if it comes with shorter notice, it is open to the Diwan to come to the President and say "I have a resolution. Can you admit it?" And, if the President allows it, and it goes to the ballot, then there is no power to change that order. Of course, it is open to the President, as soon as the resolution comes in, to say: "I want three months' notice before this resolution can be ballotted."

President.—So that if one resolution has been admitted and put into the ballot, then there is no power for the President to require longer notice. Is that what you say?

Mr. A. B. SALEM.

The President's power ceases when once the resolution is ballotted.

Dr. A. G. MENON.

On a point of order, Sir. Suppose the President admits the resolution after the ballot is over. Can it come up for discussion? The President has the discretionary power to admit resolutions, and suppose he admits a resolution after the ballot of the rest is over, can that resolution come up for discussion in the Council?

President.— Undr rule 36 the President may allow any resolution to be moved with shorter notice than 15 days.

LIBRARY ARCHIVES Kerala Legislative Assembly

Dr. A. G. MENON.

The discretion is given to the President. Four days' notice is given. Can the President allow a member to move that resolution in the Council?

Mr. S. F. NUNEZ.

If the President admits a new resolution three days after the ballot, that does not go to the ballot box.

President.— Nothing has been said about the necessity to ballot such resolutions.

Dr. A. G. MENON.

It is said only that the President can admit them just after the time, if that is the case.

Mr. A. B. SALEM.

A point of order. Nobody can speak upon a point of order, and then it must be submitted for a ruling. It is a question of the interpretation of the rules. I understand the Doctor's real difficulty is that, to say that the President can accept a resolution with shorter notice after the ballot is over is his real difficulty. How can it be taken up for discussion? Thus, with reference to the notice, the ordinary notice is 15 days, and the extraordinary notice is taken as 30 or 40 days, as the President may think fit. Again, it might be 6 or 7 days, and the matter can come up for discussion in the Council as laid down in the rules.

President.— Do you grant that under this rule the President is empowered to admit a resolution even after ballotting is over?

Mr. A. B. SALEM.

I do.

President.— Then, that is right. It may be that several resolutions may be accepted with only three days' notice, and if they are not put in the ballot, they can come up for discussion in the House. What is the rule?

RAO SAHIB T. V. KASTURI RANGA AYYAR.

Standing Order No. 6 (2):—

"The relative precedence of notices of Bills and resolutions given by non-official members shall be determined by ballot".

So that the point for ruling is that, if a member sends a particular resolution after the ballot, the President should say longer notice is necessary and that it ought not to be put in the

LIBRARY ARCHIVES Kerala Legislative Assembly

the ballot. So, after ballotting, no resolution can be set down for discussion.

Mr. S. F. NUNEZ.

That is the point. After the ballot, no official or non-official resolution should be admitted. It cannot come up for discussion.

Dr. A. G. MENON.

What is the use of admitting that resolution, if it cannot come up for discussion? It is practically a refusal.

Mr. S. F. NUNEZ.

Yet we have the satisfaction that it has been admitted, under the rules that are framed, and so, many other resolutions may be admitted, but may not come up for discussion.

Mr. A. B. SALEM.

Even with that short notice, supposing half a dozen resolutions have been admitted, it may be that the relative precedence of these which should be taken up should be determined by ballot.

President.—That point will not have any bearing on the present question. The resolutions have been admitted and put into the ballot, and you say that all these resolutions ballotted should come up for discussion according to the ballot order. What is the justification for ignoring the ballot order and then giving and taking up a second order?

Dr. A. G. MENON.

I agree with the Jewish Member on that point.

Mr. C. ACHYUTA MENON.

A shorter notice is not defined. It must depend upon the Standing Order.

The House rose for lunch, as it was 2 p. m. The sitting was resumed at 3 o'clock.

President.—We will now resume the discussion. The resolution that is to be moved by Mr. Achyuta Menon just now stands fourth in the ballot order. I do not know, if the members have finished their speaking on the point.

Mr. K. T. MATHEW.

This matter was brought to the attention of the Council in the last session. It is an infringement of this right of this Council, if the ballot order is not strictly followed. It induces some of the members to bring forward a resolution which would be

LIBRARY ARCHIVES Kerala Legislative Assembly

acceptable to the Government, and the Government can take up this resolution and discuss it, leaving out the others.

President.—The ballot order has been followed with regard to the resolutions taken up. There is no such instance where the ballot order has not been followed. The only thing is that, if a resolution is not got ready by the Government, what is the course open to them?

Mr. K. T. MATHEW.

The Council has to think that it is due to the inefficiency of the officer concerned to discharge his duties. (*Laughter.*)

President.—Can I not extend the time?

Mr. K. T. MATHEW.

What is the object of the Council? I do not know whether the Council will allow a personal suggestion. If the first resolution is not ready, the President can, instead of taking it today, just change the order with permission and say that the resolution will be taken up within one or two days, but in the same meeting, I mean, the same session.

President.—What is the rule?

Mr. C. ACHYUTA MENON.

It is only with reference to the shorter notice. "Shorter" should not be taken as an indefinite term. It should be read along with the rule with regard to the ballotting. "Notice shorter than the period between the ballot and the meeting".

President.—Is not your suggestion with reference to Dr. Govinda Menon?

Dr. A. G. MENON.

I agreed with the member for the Jewish Constituency. The rule with regard to ballotting should be strictly adhered to. The President can ask for more time, but does it lie in the power of the Diwan? No provision whatever. The resolutions which have been admitted must be put to the ballot, and then the order in the ballot must be followed, and even in case the Government is not ready with all the materials to discuss the matter in the resolution, it must be placed before the Council. The Government can ask for an adjournment, if they are not prepared to discuss them. It must be let to the good sense of the Council for the adjournment, and if the Council is favourable, sufficient time will be given to prepare for discussing the resolution. They can ask for an adjournment.

LIBRARY ARCHIVES Kerala Legislative Assembly

President.—I have pointed out that, under Rule 36, only a notice of 15 clear days before the meeting of the Council at which he desires to move the same is insisted upon. It may be an important resolution, and then, first of all, this has to be sent to the President, and he takes his time to consider whether it is admissible under the rules or not. Then the Secretary has to send the question for the information of the respective Heads of Departments. Time is not sufficient to do justice to the resolution. So I say the time fixed is too short.

Dr. A. G. MENON.

The rule can be changed. That is, hereafter, I think it is desirable that the rule should be changed. Now, we are bound by the rules in force.

Mr. A. B. SALEM.

No rule need be changed, because, when a resolution comes, it is sent to the Secretary. Supposing they are sent 15 days before the meeting of the Council to the Secretary, it is his duty to submit it to the President immediately, and the President can say, if they can be taken up or not and write to the member direct, or the Secretary can send a letter to the member to the effect that the resolutions have not been allowed for want of time. One month's notice or two months' notice may be allowed. The Government can ask for more time during which period the President can consult the Diwan. There is no necessity to amend the rule. We cannot amend the rule also.

Mr. V. K. KOCHUNNI MENON.

To know what time will be necessary, the Diwan has to consult his officers and then get a reply from the various officers. By that time the sitting of the Council will be over.

Dr. A. G. MENON.

On a point of order. It is not allowed. If once admitted, the resolution it must come. It will be clear injustice, if it is ballotted, and if it does not come up.

President.—Supposing the admission is delayed ?

Dr. A. G. MENON.

That is left to the President. But once it is admitted, it must come to the ballot.

Mr. A. B. SALEM.

Rule 36 is the rule regarding resolutions. This has come into force. They should know when framing the rule what they are framing. We are here to discuss the relevant parts of the resolution. All the resolutions must be placed before the Council. No use of saying: "not able to put forward all the aspects of the point on account of the shortness of the notice." There

LIBRARY ARCHIVES Kerala Legislative Assembly

is no question of time. "We will not be able to place all the facts!" There is no use of saying that there was not sufficient time to prepare, I mean, longer time. That is why this rule is provided here. It is open to the President to say that. What is the use of discussing? That is the rule. Heareafter, at any rate, we must be sure; we must be on the safeguard. It is only for that purpose we are enquiring. My remarks were only with reference to discussing.

Mr. A. SANKARA PUDUVAL.

It seems to me that the difficulty can be avoided under article 37 of the Rules. Whether it is right or not, there is time left for admission, to the President, in accordance with Rule 36. He may either admit or suggest amendment. In the face of all the provisions of the Regulation, they must be admitted, with due regard to the possibility of getting them ready. This resolution has been ballotted. So the delay might at this stage damnify a member. I am of opinion that the resolution must be taken up at the earliest opportunity. Though the President may require longer notice, it is a matter entirely beyond the discretion of the President.

President.—Opinion must be gathered, and it takes time.

Mr. A. SANKARA PUDUVAL.

The President may put any construction on the resolution and put it off, and nobody can complain. There is no necessity to amend the rule. Does it go to the root of the matter? I don't think so. So far as this session is concerned, we will proceed with the resolutions tabled.

President. Something more may be said on the point.

Mr. A. B. SALEM,

I sent a resolution before 3 months. I do not know why the resolution was admitted only at the end of a very long time. I sent it in August, and it was admitted only in November. Three months' time was taken for admitting that resolution. Let us see what resolution No. 1 is? No. 1 is to discuss whether compulsory Primary education for the lower classes should be adopted or not. I don't think that the resolution needs preparation on the part of the department so as to require longer notice.

President.—They are human beings.

Mr. A. B SALEM.

We can also understand what the difficulty is. There are no statistics to be gathered—nothing to be gathered to discuss about free compulsory education in the State.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. ACHYUTA MENON.

It is too much to expect Government to be prepared with necessary facts and figures.

Mr. A. B. SALEM.

There is not much in the resolution. This is only a request to introduce free compulsory education among the Tiyyas, Parayas and other so-called depressed classes of the State. Of course, the resolution may be ballotted. It is compulsory that every resolution should be ballotted.

Mr. K. T. MATHEW.

The resolution should be submitted for discussion according to the ballot order. We have given our opinion, and it is only reasonable to ask for an explanation.

Mr. A. B. SALEM.

There is no difficulty. Free compulsory Primary education should be given. We are here to discuss on all these important points. Discussion means freedom of speech.

President.—Free compulsory Primary education is one which should be dealt with careful attention. What are the reasons? What are the conditions? Should we not bestow some thought over these matters? Simple speech is not the only thing that is necessary.

Mr. A. B. SALEM.

We have here tabled this resolution. We have come before the House. We are ready. I mean to say that the officials are not ready. There is a particular department, and the Head of the Department concerned must be ready.

President.— Is there any objection to Mr. Achyuta Menon's resolution being taken up?

Mr. A. B. SALEM.

I object to Mr. Achyuta Menon's resolution. It cannot be taken up unless the first is adjourned. When the first three resolutions are taken up, then we can take the 4th resolution, Mr. Achyuta Menon's.

President—There are many new things which require notice. We can go on. We can take up Mr. Achyuta Menon's resolution. The first three in order, we can take up in the next meeting. This session is to continue. There are two more meetings in this session. These resolutions would not lapse with after this meeting. This is not like the budget session. At next meeting all these resolutions may come up. I think we can go on in the ballot order.

Mr. M. K. RAMAN.

The motion for the adjournment—could we take it? That is Mr. Salem's point. He objects to that. We can now go on

LIBRARY ARCHIVES Kerala Legislative Assembly

with these resolutions tabled for adjournment. Otherwise, the presence of the first three resolutions will be ignored. There is the ballot order. They will be taken up, strictly following the rule. I would submit that there will be no time to take up the 4th one. We cannot change the procedure. Last time Mr. Mathew brought this matter to our notice.

Mr. A. B. SALEM.

The first three may be adjourned for a subsequent day in the session. It is not open to this Council or to the President or to the members in charge to change that order of procedure. The only way to get out of the difficulty is to make a motion to adjourn the first three resolutions, and the 4th resolution may be proceeded with.

Mr. S. S KODER.

Can the President ask for an adjournment of any resolutions that are tabled? Can you ask for adjournment?

Mr. A. B. SALEM.

The ballot paper is on the table, I understand, on the Council table, here. The ballot paper must be there. The motion can be made.

President.—Is there much in these resolutions? I don't think. Why not we take up these three resolutions? What harm is there? Suppose, it is adjourned. Will it be ready by tomorrow?

Mr. C. MATTHAI.

I have no objection.

RAO SAHIB T. V. KASTURI RANGA AYYAR.

We need not go in for these adjournments.

President.—Is that not the proper course than asking for an adjournment?

Mr. K. T. MATHEW.

That would have been better. According to Standing Order No. 3, three day's previous notice must be given for a motion.

Mr. P. DAMODARA MENON.

But may I draw your attention to Standing Order No. 7 (2).?

"Save as otherwise provided in the Rules and Standing Orders, no business not included in the list of business for the day shall be transacted at any sitting without the leave of the President".

Hence such a motion for adjournment cannot be made now.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. A. KUNJUNNI RAJA.

On a point of order. It is now 3—30. The adjournment motion must be taken up.

President.—Yes, you may move your motion.

The appointment of an official Chairman to the Mattancheri Municipality.

Mr. C. A. KUNJUNNI RAJA.

Sir, I rise to move for an adjournment of the business of the Council for the purpose of discussing an urgent matter of public importance, the subject-matter of which has already been placed before this Council by the President when my statement was read this morning.

You will find from the recent Cochin Government Gazette that there are two notifications in it, by which one of the premier Municipalities of Cochin was deprived of the right of electing its own Chairman. I refer to the notifications, Nos. 49 and 50, on page 206 of the Gazette issued on the 19th of Vrischigam 1101 (4th December 1925). The notifications are under Section 7 (1) of the Cochin Municipal Regulation XI of 1096.

"No 49.—It is hereby notified that the Chairman of the Mattancheri Municipal Council for the ensuing term shall be appointed by the Government".

"No. 50.—In pursuance of the Government Notification, dated 4th December 1925," i. e, Notification No. 49, "Government are pleased to appoint M. R. Ry., N. Rajagopalachari Avergal, Assistant Engineer, Southern Division, as the Chairman, Mattancheri Municipal Council, for the ensuing term with effect from 20th Vrischigam 1101, the date of retirement of the present Chairman".

President.—Rule 21 (1) of the Legislative Council Rules. Please refer to that.—

"On a motion to adjourn for the purpose of discussing a matter of urgent public importance, the only question that may be put shall be "that the Council do now adjourn', provided that, if the debate is not concluded earlier, it shall automatically terminate at the end of two hours, and thereafter, no question shall be put".

Mr. C. A. KUNJUNNI RAJA.

That rule is for the President, not for me. I mean that the proper occasion to put that question is at the end of the debate. Just note it, please. When I presented my statement of reasons yesterday, the Diwan-President promispe

LIBRARY ARCHIVES Kerala Legislative Assembly